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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	Mag. Case No. '08 MJ 8699
Plaintiff,	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) Illegal Transportation of Aliens
Jesús Antonio GARCIA-Hernandez	
Defendant	

The undersigned complainant, being duly sworn, states:

On or about August 5, 2008, within the Southern District of California, defendant Jesus Antonio GARCIA-Hernandez with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Marco GONZALEZ-Vazquez, Hector ARELLANO-Puga, and Jose Luis AGUILUZ-Puga, had come to, entered and remained in the United States in violation of law, and did transport and move said aliens within the United States in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 6th DAY OF AUGUST 2008.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Jesús Antonio GARCIA-Hernandez

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending agents, A. Necochea, J. Kirby and G. Guerrero that on August 5, 2008, the defendant, Jesus Antonio GARCIA-Hernandez (GARCIA), an illegal alien, was apprehended in Calexico, California. GARCIA was apprehended as the driver of a yellow 1999 Ford Econoline van, as he smuggled twenty two (22) undocumented aliens from Mexico, in violation of law.

On August 5, 2008, at approximately 4:30 a.m., agents began conducting surveillance on a residence in Calexico, California, after receiving a call from a concerned citizen. The caller notified agents that the residence was being used as a drop off point for illegal aliens. While conducting surveillance agents observed a red and yellow van inside the garage.

Agent Guerrero observed the Ford van exit the garage. Agent Kirby also observed as the van exited the garage and noticed the van appeared to be heavily loaded. Agent Kirby was also able to clearly see the driver, later identified as Jesus Antonio GARCIA-Hernandez. Agent Guerrero followed the van as it traveled westbound on Ostrey Street and was also able to clearly identify GARCIA as the driver of the red and yellow Ford Econoline. The van proceeded southbound on Quiroz Street and traveled eastbound on V.V. Williams Street. Agent Guerrero noticed GARCIA appeared nervous and avoided eye contact.

Agent Guerrero activated his emergency lights and sirens. GARCIA continued driving southbound on V.V. Williams Street for several blocks then entering the Santo Tomas Swap Meet. Agent Guerrero observed GARCIA exit the driver's side door and run into the swap meet. Agent P. Reyes apprehended GARCIA as he was walking eastbound away from the swap meet. Twenty two subjects were arrested from the van. All the subjects admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to be in, live, or work in the United States legally. All the subjects were arrested and transported to the Calexico Border Patrol Station.

M.M.

Jesús Antonio GARCIA-Hernandez was advised of his Miranda Rights in the Spanish language by Agent Guerrero. GARCIA acknowledged understanding his rights and was willing to answer questions without an attorney present. GARCIA stated he was a Mexican citizen with no legal documents to be in the United States legally. GARCIA stated he made an illegal entry into the United States on August 3, 2008. GARCIA stated he was picked up by an unknown smuggler and taken to a house. At the house, GARCIA agreed to drive the vehicle containing illegal aliens to a swap meet in Calexico, California. GARCIA stated at the swap meet another smuggler was supposed to pick them up, but they were arrested by border patrol.

Material Witnesses Marco GONZALEZ-Vazquez, Hector ARELLANO-Puga and Jose Luis AGUILUZ-Puga stated they are citizens of Mexico and illegally in the United States. Luis AGUILUZ-Puga stated that his family made arrangements with an unknown individual to be smuggled into the United States for $2,500.00. All three material witnesses stated they crossed the United

States/Mexico International border illegally by climbing over the United States/Mexico International Border Fence. Marco GONZALEZ-Vazquez, Hector ARELLANO-Puga and Jose Luis AGUILUZ-Puga were shown six pack photo line ups. Marco GONZALEZ-Vazquez, Hector ARELLANO-Puga and Jose Luis AGUILUZ-Puga were unable to identify anyone from the photo line up.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Marco GONZALEZ-Vazquez	Mexico
Hector ARELLANO-Puga	Mexico
Jose Luis AGUILUZ-Puga	Mexico

Further, complainant states that Marco GONZALEZ-Vazquez, Hector ARELLANO-Puga, and Jose Luis AGUILUZ-Puga, are citizens of a country other than the United States, that said aliens have admitted they are deportable, that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena, and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.